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By ECF

July 22, 2021

Honorable Sarah Netburn
U.S. District Courthouse
Southern District of New York
40 Foley Street, Courtroom 219
New York, New York 10007

Re: Teddy Volkswagen of the Bronx, LLC v. Phillip Demersky
Case No.: 1:19-cv-2337 (AJN) (SN)
Ex Parte Settlement Letter and acknowledgment

Dear Judge Netburn:

As the Court is aware, our office represents in above Defendant in the above matter.

Firstly, I apologize for my frustration during the conference. My tone and manner at times was inappropriate.

We still await Plaintiff's signed agreement. It is notable they seek a default despite they have not executed an agreement. Not even the one they first sent Defendant and upon which they predicate their rights as they deem the written agreement a requirement.

Lastly, the Court resolved the concerning Defendant's release of future claims. Notwithstanding, the claimed default is a factual issue occurring while the Court exercises jurisdiction. Consequently, the Defendant again requests the Court find he was not in default breach. The Parties were engaged in good faith discussion and the Plaintiff had not (and has not) signed the agreement.

Please contact our offices if there is any additional information or documentation that may be helpful to the Court's review. Thank you for your time, attention and consideration of this matter.

Sincerely,

Joseph J. Ranni

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Attorneys for Plaintiff